

Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 2674

Remarks

Claim Rejections 35 USC 103(a)

Claims 1-11, 14 and 16-25 stand rejected as being unpatentable over Persidsky in view of Schiller et al (Schiller).

Claims 12, 13 and 15 stand rejected as being unpatentable over Persidsky in view of Schiller and further in view of Lewis et al (Lewis).

Regarding the grounds for rejection, we still cannot agree with the Examiner's point of view. According to the Examiner, the subject matter of the independent claims would be obvious over a combination of Persidsky with Schiller.

The Examiner argues that Persidsky would teach "all the claimed limitations as recited in claim 1 with the exception of providing a position of the writing pad and wherein an absolute determination of the position of the writing instrument with reference to the writing pad is "performed via an area coding"". The examiner then argues that Schiller would teach an absolute position measurement subsystem for a pen. However, the Examiner has neither shown nor even mentioned that Schiller would teach the feature of an area coding.

Rather, Schiller merely teaches to determine the pen position via traveling ultrasound waves. This, however, is not area coding on the writing surface, as the ultrasound waves are not permanent and are traveling above its surface.

Accordingly, the subject matter of claims 1, 17 and 21 cannot be obvious over Persidsky in combination with Schiller.

Moreover, in order to further clarify the difference between the claimed invention and the prior art cited by the Examiner, the feature that the area coding is designed as at

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least one marking on the writing surface has been included in each of the independent claims. Accordingly, data acquisition by the pen is accomplished by reading the markings on the surface and is, therefore, distinctly different from Persidsky and Schiller.

The pen according to Persidsky records data by means of motion sensors, which therefore cannot determine absolute pen positions at all.

Further, Schiller's system discloses determining the pen position by reflection of ultrasound waves, whereby external sensors or emitters are needed at the edge of the writing pad.

However, by position determination from an area coding on the writing surface, no additional components for position determination are needed.

Thus, the invention as claimed in claim 1, 17 and 21 cannot be derived by a combination of Persidsky and Schiller. Accordingly, the claims as amended define novel and inventive subject matter. Hence, Applicant respectfully believes that the claims are allowable.

This Amendment After Final Action places the claims in condition for allowance without the need for a further search and subsequent further review. Therefore, it is respectfully believed that there is no need for a RCE to be filed with this Amendment After Final Action.

Wherefore, further consideration and allowance of the claims of this application is respectfully requested.

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A one-month extension of time in which to respond to the outstanding Office Action is hereby requested. Credit Card Payment Form PTO-2038 is enclosed to cover the prescribed Small Entity one-month extension fee of \$60.


Respectfully submitted,



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CERTIFICATE OF FAX TRANSMISSION

I hereby certify under 37 CFR §1.8 that this correspondence is being submitted to the Mail Stop AF with Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by facsimile transmission on January 19, 2006, fax number (571) 273-8300.



M. Robert Kestenbaum